

## Social Security Administration

## § 423.7

(4) Telephone instruments subject to public service monitoring will be conspicuously labeled.

(5) Consent from both parties is needed to tape record SSA calls for public service monitoring purposes.

(d) The recordings and records pertaining to the listening-in to or recording of any conversations covered by this subpart shall be used, safeguarded and destroyed in accordance with SSA records management program.

### PART 423—SERVICE OF PROCESS

#### Sec.

423.1 Suits against the Social Security Administration and its employees in their official capacities.

423.3 Other process directed to the Social Security Administration or the Commissioner.

423.5 Process against Social Security Administration officials in their individual capacities.

423.7 Acknowledgment of mailed process.

423.9 Effect of regulations in this part.

AUTHORITY: Sec. 701 and 702(a)(5) of the Social Security Act (42 U.S.C. 901 and 902(a)(5)).

SOURCE: 60 FR 18992, Apr. 14, 1995, unless otherwise noted.

#### **§ 423.1 Suits against the Social Security Administration and its employees in their official capacities.**

(a) *Suits involving claims arising under Titles II, VIII, and/or XVI.* In cases seeking judicial review of final Agency decisions on individual claims for benefits under titles II, VIII, and/or XVI of the Social Security Act, summonses and complaints to be served by mail on the Social Security Administration or the Commissioner of Social Security should be sent to the office in the Social Security Administration's Office of the General Counsel that is responsible for the processing and handling of litigation in the particular jurisdiction in which the complaint has been filed. The names, addresses, and jurisdictional responsibilities of these offices are published in the FEDERAL REGISTER, and are available on-line at the Social Security Administration's Internet site, <http://www.socialsecurity.gov>.

(b) *Other suits.* In cases that do not involve claims described in paragraph (a) of this section, summonses and

complaints to be served by mail on the Social Security Administration or the Commissioner of Social Security should be sent to the General Counsel, Social Security Administration, Room 617, Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235.

[70 FR 73136, Dec. 9, 2005]

#### **§ 423.3 Other process directed to the Social Security Administration or the Commissioner.**

Subpoenas and other process (other than summonses and complaints) that are required to be served on the Social Security Administration or the Commissioner of Social Security in his or her official capacity should be served as follows:

(a) If authorized by law to be served by mail, any mailed process should be sent to the General Counsel, Social Security Administration, Room 611, Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235.

(b) If served by an individual, the process should be delivered to the mail room staff in the Office of the General Counsel, Room 611, 6401 Security Blvd., Baltimore, MD 21235 or, in the absence of that staff, to any Deputy General Counsel or secretary to any Deputy General Counsel of the Social Security Administration.

#### **§ 423.5 Process against Social Security Administration officials in their individual capacities.**

Process to be served on Social Security Administration officials in their individual capacities must be served in compliance with the requirements for service of process on individuals who are not governmental officials. The Office of the General Counsel is authorized but not required to accept process to be served on Social Security Administration officials in their individual capacities if the suit relates to an employee's official duties.

#### **§ 423.7 Acknowledgment of mailed process.**

The Social Security Administration will not provide a receipt or other acknowledgment of process received, except for a return receipt associated with certified mail and, where required, the acknowledgment described